

PUEBLO OF LAGUNA COUNCIL

Resolution No. 91-14

Re: Approving the Pueblo of Laguna Records Retention Policy

At a duly called meeting of the Pueblo of Laguna Council held on the 15th day of November, 2014, the following resolution was adopted:

WHEREAS, the Pueblo of Laguna ("Pueblo") is a federally recognized Indian Tribe with all the inherent sovereign governing powers; and

WHEREAS, pursuant to Article IV, Section 2(v) the Pueblo of Laguna Council is the governing body of the Pueblo, with the authority to exercise all inherent powers of the Pueblo of Laguna; and

WHEREAS, pursuant to Article VI, Section 4, the Pueblo Secretary is responsible for maintaining the records and files of the Pueblo other than financial records; and

WHEREAS, pursuant to Article VI, Section 4, the Pueblo of Laguna Secretary does not possess governing authority; and

WHEREAS, pursuant to Article VI, Section 3, the Treasurer is responsible for maintaining the necessary financial records; and

WHEREAS, the Pueblo Secretary seeks to establish and implement a records management program that will apply to all Pueblo of Laguna departments, offices and programs, but which will exclude the financial records of the Pueblo, where such program will: manage the life cycle of hard copy and electronic records; preserve and organize information required for effective management of Pueblo operations; protect the legal and financial rights of the Pueblo; and preserve the Pueblo's rich history and long-standing values which are reflected in certain Pueblo records; and

WHEREAS, the Pueblo of Laguna currently does not have a Records Retention policy; and

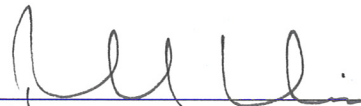
WHEREAS, a properly implemented Records Retention Policy will save time, increase productivity, and ensure that unnecessary records are destroyed and vital records are preserved; and

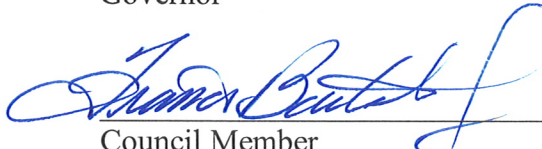
WHEREAS implementing a Records Retention Policy is in the best interest of the Pueblo;


NOW, THEREFORE, BE IT RESOLVED, that Council hereby authorizes and approves the attached Records Management Policy, which is incorporated into this Resolution.

BE IT FURTHER RESOLVED, that Council directs all Pueblo of Laguna Departments and Offices to implement Records Retention Schedules by June 30, 2015 and to comply with the directive of the Pueblo Secretary in all matters related to the implementation of the Records Retention Policy; and


BE IT FINALLY RESOLVED that the effective date of the Records Retention Policy is July 1, 2015, unless otherwise directed by Council.


Governor


Council Member

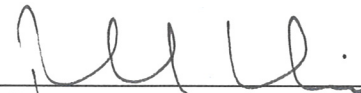

Council Member

ATTEST:



Pueblo Secretary

CERTIFICATION

The foregoing resolution was enacted upon by the Pueblo of Laguna Council on the 15th day of November, 2014, by a vote of 19 for and 0 opposed, at a duly called meeting at which a quorum of the Council was present.


Governor

ATTEST:


Pueblo Secretary

RECORDS RETENTION AND DISPOSITION POLICY

I.	GENERAL PROVISIONS	3
A.	Introduction	3
B.	Authority	3
C.	Purpose	3
D.	Objectives	4
E.	Scope and Application.....	4
F.	Amendments	5
G.	Procedures	5
II.	DEFINITIONS	6
III.	RECORDS MANAGEMENT PROGRAM	9
A.	Organizational Structure and Administration.....	9
B.	Duties of the Central Records Office	10
C.	Duties of the Departments	11
D.	Records Management Plan	12

I. GENERAL PROVISIONS

A. Introduction

Pueblo of Laguna records are important assets. The Pueblo is responsible for all records that are generated by the Pueblo and its Departments. The Pueblo recognizes the need to provide a mechanism to ensure proper management of those records through the development of a records retention and disposition policy. It is hereby declared to be the policy of the Pueblo to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all Pueblo records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition—whether destruction or permanent retention—consistent with the requirements set forth below and generally accepted records management practice. The Pueblo acknowledges that implementing this overarching policy requires the implementation of regulations, policies, and procedures regarding the definition and management of Pueblo records as provided below.

B. Authority

The Pueblo of Laguna is a duly recognized sovereign Indian Tribe with a government structure as set forth in the Constitution of the Pueblo of Laguna (as amended through October 29, 2012). The inherent sovereign power to govern the Pueblo of Laguna is vested in the Pueblo Council. Pursuant to Article IV, Sections 2(e), 2(i), 2(k), and 2(q) of the Laguna Constitution, the Pueblo Council is empowered to establish and enforce laws of the Pueblo; to adopt laws establishing and regulating the procedures of tribal organizations, entities, and officials; and to “promote and protect the public health and the welfare of the members and other residents of the Pueblo, in accordance with the ordinances or written policies.” In addition, under Article VI, Section 4, the Secretary is “responsible for maintaining the records and files of the Pueblo other than financial records[,]” which under Article VI, Section 3, the Treasurer is “responsible for maintaining.”

C. Purpose

The purpose of this policy manual is to establish and implement a Pueblo-wide records management program to ensure that records management requirements are met in a consistent, effective, economical, and efficient manner; thus, providing for (1) managing the life cycle of hard copy and electronic records; (2) preserving and organizing information required for effective management of Pueblo operations; (3) protecting the legal and financial rights of the Pueblo; and (4) preserving the Pueblo’s rich history and long-standing values which are reflected in certain Pueblo records.

D. Objectives

To accomplish the above purposes, this policy manual aims to: (1) ensure that records which have continuing value (e.g., historical, administrative, legal, financial) are preserved; (2) ensure that records that are no longer needed by the Pueblo are destroyed at the proper time thereby freeing up valuable office space from record storage; (3) provide a consistent approach to record keeping practices among the various Pueblo Departments and their employees while also providing the ability to tailor practices within that structure to meet unique needs; (4) provide Departments and employees with the information necessary to understand and carry out their responsibilities under this policy; (5) ensure that the Pueblo meets legal requirements for the proper maintenance and disposition of Pueblo records; (6) familiarize Pueblo Departments and employees with filing practices and principles that will enable the Pueblo to function more effectively and efficiently; and (7) help Departments make the transition from a paper to a digital information environment.

E. Scope and Application

1. This policy manual applies to all records created, generated, received, or administered in the course of the Pueblo's operations, including both original documents and reproductions (electronic or hard copy). A record may be as obvious as an e-mail, a contract, a case study, or something not as obvious, such as a computerized desk calendar, content on a website, an appointment book, an expense record, or documents on a hard drive or server.
2. The Secretary's Office has the primary responsibility for directing and coordinating the Pueblo's records management program with other Departments and employees as necessary. A full description of the organizational structure of the Pueblo's records management program, including scopes of authority and duties, is provided below.
3. All Departments and employees shall become familiar with and comply with these records management policies and procedures thereby ensuring that records in their custody are properly maintained and managed.
4. All records created, generated, received, or administered by a Department, office, or employee of the Pueblo shall be and remain the property of the Pueblo. No official or employee, by virtue of his or her position, has any personal or property right to this information even though he or she may have helped create it. Note, however, that each Department will maintain primary responsibility for the records in its custody.
5. Unless applicable controlling Pueblo, federal, or state law requires a longer retention period for certain information, Departments and employees shall maintain all records in accordance with the policies and procedures contained herein. The record retention periods set forth in the Pueblo's Record Retention and Disposition Schedules are minimum terms for the retention of the respective

records after which the records may be disposed. While records may be destroyed according to the Pueblo's Record Retention and Disposition Schedule, they also may be retained for longer than the established retention periods with the approval of the Secretary's Office.

6. This policy manual shall govern the retention and disposition of Pueblo records unless contrary to or in conflict with applicable controlling Pueblo, federal, or state laws. To the extent that a portion of this policy is determined by the Secretary to be contrary to or in conflict with controlling laws, rules, or regulations, that portion shall have no effect. However, the remainder of the policy manual shall remain in effect. The Secretary, in consultation with the Committee, shall consider recommending appropriate amendment of this policy to eliminate the conflict.
7. Failure to comply with this policy may result in disciplinary action up to and including termination. Questions should be referred to the Secretary's Office, the office in charge of administering and updating this policy.

F. Amendments

The Pueblo of Laguna Council reserves the right to amend, supplement or rescind any policy contained in this manual. Such amendments, supplements, or rescissions shall be approved by the Pueblo Council, in accordance with current requirements, implemented by the Secretary's Office, and enforced by the Records Management Committee. Departments and employees will be notified in a timely manner regarding any policy changes approved by the Pueblo Council prior to the effective date. With the concurrence of the Committee, the Secretary's Office may make non-substantive changes to any policy in this manual, including but not limited to, typographical errors, grammatical errors, and/or document formatting errors.

G. Procedures

1. The Pueblo Council approves the administrative organizational structure of the Pueblo of Laguna.
2. Approval authority will follow the chain of command within each Department.
3. Procedures associated with the record retention and disposition policies shall be developed and maintained by the Secretary's Office. Changes to procedures associated with this policy manual shall be reviewed and approved by the Records Management Committee and effectively communicated and provided to all Departments and employees within ten (10) business days. Procedures shall not be effective until Departments and employees are provided with applicable changes.

II. DEFINITIONS

1. Active Records – Current records needed to carry out the Pueblo’s day-to-day operations; records subject to frequent use (typically once a month). E.g., calendars, protocols, manuals.
2. Administrative Records – Any hard copy or electronically recorded information that serves as the vehicle for management problem solving and decision-making, relating to the work of a particular Department or office. E.g., letters, memoranda, completed forms, directives, reports, photographs, maps, CD-ROMs, microfilm, audio recordings, and e-mail messages.
3. Archival Records – Permanent records determined to be of sufficient additional historical, continuing, or enduring value as to warrant the cost of storage, conservation, and preservation in a designated Pueblo facility. Does not include all permanent records (see II.15.)
4. Central Records Office – Established in 1977. Primary office for records management oversight.
5. Central Records Officer – Individual designated by the Secretary to coordinate the Pueblo-wide records management program.
6. Central Records Repository – A records center maintained and operated by the Central Records Office on behalf of the Secretary’s Office. The records center, in accordance with the regulations established by the Secretary’s Office, shall be the facility for the receipt, storage, servicing, security, processing, or disposition of all Pueblo records which need to be preserved for varying periods of time or destroyed after varying periods of time. Policies and procedures regulating the operations and use of the records center shall be contained in the Records Management Plan.
7. Confidential Records – Records which are clearly marked “Confidential” or are designated by this policy, Pueblo law, applicable court order, or other legal authority to be Confidential.
8. Department – Any Department of the Pueblo of Laguna.
9. Disposition – Actions taken with records after their value has been determined including:
 - a. Transfer to a Pueblo repository for temporary storage;
 - b. Transfer to a Pueblo facility for permanent storage;
 - c. Scanning; or
 - d. Disposal.

10. Government Affairs Director – The Director of the Pueblo’s executive legal operations (i.e., in-house counsel).
11. Historical Records – Records that pertain to or preserve significant past events and are useful for purposes beyond those for which they were created. Historical records should be retained in perpetuity because of their administrative, assessment, legal, and research value. E.g., Pueblo Ordinances, Council Resolutions, and Council Meeting Minutes.
12. Inactive Records – Records which are no longer needed to carry out the Pueblo’s day-to-day operations, or have been superseded by new records, but have not reached their specified retention or disposition date. Records that are referenced less than once every six months are usually considered inactive.
13. Non-Records – Extra copies of material kept only for reference or convenience. Materials neither made nor received in connection with the functional responsibility of the Department or employee. E.g., library books and stocks of publications; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
14. Official Pueblo Record – Any grant, contract, resolution, law, or other official document that concerns and/or controls the Pueblo’s governmental operations.
15. Permanent Records – Records that require permanent retention based on administrative, fiscal, legal or historical value.
16. Personal Information – Includes any person’s date of birth, social security number, marital status, address, phone number, or enrollment number.
17. Personal Records – Recorded material related solely to an individual’s own affairs or used exclusively for the individual's convenience. Material not used to conduct Pueblo business.
18. Personnel Information – All information contained in an employee’s personnel file.
19. Pueblo Records – Information of any kind regardless of physical form or characteristics (e.g., paper, books, maps, photographs, CD-ROMs, audio or video recordings, microfilm, or electronic media) created, maintained, or received by the Pueblo or any of its officers or employees pursuant to law or in the transaction of Pueblo business as evidence of their functions, policies, decisions, procedures, operations, or other activities. Such records are records of the Pueblo and shall be created, maintained, and disposed of in accordance with the provisions of this policy.

20. Records Management – Application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records retention and disposition schedules, the management of filing and information retrieval systems, the protection of vital and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of electronic and other records storage systems.
21. Records Management Committee – Committee established below under section III.A.3. and composed of the Governor, the Secretary, and the Government Affairs Director.
22. Records Management Plan – means the plan required below under section III.D.
23. Record Retention and Disposition Schedule – An official document prepared under the authority of the Secretary’s Office providing a timetable listing and describing all records maintained by the Pueblo that fall within the scope of this policy and providing their retention periods and other records disposition information that the records management program may require.
24. Record Series – A group of related documents accumulated over a period of time and organized under a single filing arrangement or kept together as a unit because they relate to the same subject, result from the same activity, consist of a single type or format, or otherwise have certain common characteristics. This organized file or set of files can be described, handled, and disposed of as a unit. E.g. Council Ordinances, Council Meeting Minutes, election records, cancelled checks, Jackpile-Paguate Reclamation Project records.
25. Record Series Description – Relevant and meaningful information in a narrative format about the content of the records in a Record Series.
26. Record Series Title – A general or descriptive heading assigned to a document, which can be used for identification and retrieval purposes. Record series titles should coincide with record series descriptions.
27. Retention Period – The minimum period of time that must pass after the creation, recording, or receipt of a Pueblo record, or the fulfillment of certain actions associated with a record, before it is eligible for final disposition.
28. Vital Records – Records that for legal, regulatory, or operational reasons are absolutely essential to the Pueblo’s ability to operate. There are two types of Vital Records:

- a. Emergency Operating Records – Includes records that may be necessary for responding to an on-site emergency of any category (e.g., fire, flood, or sabotage) or that allow for continued operation and management of facilities and programs;
- b. Legal and Financial Rights and Interests Records – Includes records documenting legal rights and interests of the Pueblo and its members, including documentation regarding enrollment, retirement, insurance, finance, payroll, and certain types of research records.

III. RECORDS MANAGEMENT PROGRAM

A. Organizational Structure and Administration

- 1. In accordance with Article VI, Section 4 of the Constitution of the Pueblo of Laguna, the Secretary is responsible for the administration of this policy. The Secretary shall oversee the maintenance, retention, preservation, storage, disposition, and all other record keeping requirements and practices that support Department programs, activities, and operations within the scope of this policy in order to best serve the Pueblo.
- 2. The Central Records Office shall be headed by the Central Records Officer who will be accountable to the Secretary. The Central Records Office provides records management support to all Department programs, activities, and operations, with the exception of those listed under section I.E.6.
- 3. The Records Management Committee is hereby established and is composed of the Governor, the Secretary, the Government Affairs Director, and the Central Records Officer.
 - a. The Records Management Committee shall have the authority to promulgate {and enforce} such regulations as it deems appropriate and consistent to implement the provisions of this policy. Unless controlling Pueblo law requires otherwise, at least 30 calendar days before adopting or amending any regulation, the Committee shall post notice of its proposed action at the following locations and any others that the Committee may identify: the Pueblo's governmental headquarters, each Department, office, and record center on the Pueblo, and in the Secretary's office. The notice shall: (i) describe the substance of the proposed action; (ii) state the manner in which the comments of any interested party pertaining to the proposed action may be submitted to the Committee; and (iii) afford the interested party a reasonable time period of not less than 30 calendar days within which to comment on the proposed action.

- b. The Committee shall have the responsibility and authority to approve, modify, or disapprove recommendations by the Secretary's Office or Department Directors on records retention and disposition schedules in accordance with section III.3.a.

B. Duties of the Central Records Office

On behalf of the Secretary, the duties of the Central Records Office are to:

1. Administer the Pueblo-wide records management program and provide assistance to the Departments and employees in all aspects of record keeping practice.
2. In consultation with the Departments, plan, formulate, and develop record schedules and disposition policies, procedures, systems, and standards approved by the Records Management Committee and known as the Records Management Plan.
3. In cooperation with the Departments, identify essential records and establish a disaster plan for each Department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense during times of emergency.
4. Identify Official Pueblo Records and ensure that they are maintained in the Secretary's Office.
5. Establish standards for filing and storage equipment and for record keeping supplies.
6. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the Pueblo.
7. Provide to all Departments and employees records management assistance and information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records.
8. In consultation with the Pueblo's Legal Counsel, disseminate to the Departments and employees information concerning Pueblo, state or federal laws and administrative rules relating to government records administration.
9. Instruct the Departments and employees in the policies and procedures of the Records Management Plan and their duties in the Records Management Program.
10. Assist Departments in the preparation of record inventories for the development of Record Retention and Disposition Schedules as required by this policy.

11. Assist and/or coordinate training in the proper methods of creating, maintaining, cataloging, indexing, transmitting, storing, converting, and reproducing photographic, optical, electronic, or other images used as Pueblo records in a manner consistent with current records management standards, policies, and procedures.
12. Ensure that the maintenance, preservation, imaging, destruction, or other disposition of Pueblo records is carried out in accordance with this policy or as provided by Pueblo or other applicable law.
13. Establish written procedures for the backup and storage of documents, records, or data used in an automated system (microfilm, CO-ROM's, hard drives, etc.).
14. Inspect and evaluate the Records Management Plan at all organizational levels for conformance with the prescribed procedures and advise the Secretary of findings and recommendations for improvement.
15. Develop and manage a budget for the operation of the Central Records Office, in consultation with the Secretary.
16. To ensure the maintenance and security of all Pueblo records and to establish safeguards against unauthorized removal or destruction.
17. To maintain necessary facilities (including the Central Records Office) for the receipt, storage, servicing, security, processing, or disposition of all Pueblo records which need to be preserved for varying periods of time or destroyed after varying periods of time.
18. Review records approved for destruction and directly supervise such destruction of Pueblo records as shall be authorized by this policy and approved by the Secretary.
19. Analyze records inventory data, examine and compare Department inventories for duplication of records, and recommend to the Secretary minimal retentions for all copies commensurate with legal, financial and administrative needs.
20. Review established record retention and disposition schedules annually to ensure that they are complete and current.

C. Duties of the Departments

All Pueblo Departments shall:

1. Cooperate with the Central Records Office in carrying out the policies and procedures established for the efficient and economical management of records.

2. Assist the Central Records Office in developing and implementing records retention and disposition schedules.
3. Maintain their own file maintenance system in accordance with each Department's internal needs by developing standard operating procedures for the orderly maintenance and disposition of files, which shall be reviewed and, if appropriate, updated annually. Standard Operating Procedures should be submitted to the Secretary's Office.
4. Review its files annually to determine whether the applicable schedules are adequate and being followed.
5. Identify and safeguard Vital Records.
6. Identify and preserve Historical Records and Archival Records.
7. Ensure only active records are stored in valuable office space.
8. Ensure inactive records are retired to the Central Records Office, or other facility designated by the Secretary, on a regular basis.
9. Maintain the records in its custody and carry out their preservation, imaging, destruction, or other disposition in accordance with this policy manual and any related regulations, unless otherwise provided by Pueblo or other applicable law.

D. Records Management Plan

1. A Records Management Plan shall be prepared by the Secretary's Office, in consultation with the Departments and approved by the Records Management Committee, for the retention and disposition of Pueblo records some or all of which may be promulgated formally as regulation.
2. The disposition of records occurs after the expiration of a specified period of time or after a specified event. Disposition includes the retirement or destruction of records.
 - a. Retirement

Records are considered "retired" when they are sent the Central Records Office or other record center designated by the Secretary, for storage and ultimate destruction or retention transfer of records from a Department to the Central Records Office. Transfer of records to the Central Records Office must be approved by both the Department Director and the Secretary's Office.

b. Destruction

The destruction of records is the physical destruction of the record material. Records authorized for destruction in accordance with this policy manual and applicable regulations shall be destroyed by shredding, pulping, pulverizing, overwriting, or reformatting, as appropriate.

3. Record Retention and Disposition Schedule

- a. The record classification and retention periods provided in the Records Retention and Disposition Schedules govern the retention and disposal of Pueblo records. No records can be destroyed until they meet the minimum retention period listed in a Record Retention and Disposition Schedule. In cases where there is no schedule for a particular Record Series, the Secretary's Office may grant approval for the destruction.
- b. Record Retention and Disposition Schedules are organized by function or type of record, such as personnel, financial, or administrative records; they are not arranged according to the Department or office that creates or manages the records. A record schedule is divided into groups of records i.e., record series.
- c. Retention and disposition of records that are common to most Departments are provided for in the Pueblo's Record Retention and Disposition Schedule. Records unique to particular Departments are addressed in individual Department schedules.

4. Record Retention and Disposition Schedules; Approval

- a. Each Department, in cooperation with the Secretary's Office, shall prepare a Department-specific Record Retention and Disposition Schedule approved by the Secretary listing all records created or received by the Department and the retention period for each record. Record retention and disposition schedules shall also contain such other information regarding the disposition of Pueblo records as the Records Management Plan may require.
- b. Each Department-specific Record Retention and Disposition Schedule shall be monitored by the Records Management Committee on a biannual basis to ensure that it is in compliance with the Record Retention and Disposition Schedule issued by the Pueblo and that it continues to reflect the record keeping procedures and needs of the Department and is in accordance with the Pueblo's Records Management Plan.

5. Implementation of Record Retention and Disposition Schedules; Destruction of Records

- a. After a Record Retention and Disposition Schedule has been approved and adopted by the Records Management Committee for a Department, it shall be implemented by the Department Director in accordance with the Records Management Plan.
 - b. A record whose retention period has expired on a Record Retention and Disposition Schedule shall be destroyed unless:
 - (1) An open records request is pending;
 - (2) The subject matter of the record is pertinent to a pending lawsuit; or
 - (3) The Department Director submits a written request to the Secretary's Office that the record be retained for an additional period of time.
 - c. Prior to the destruction of a record under an approved Record Retention and Disposition Schedule, authorization for the destruction must be obtained from the Secretary's Office.
 - (1) The Secretary's Office is responsible for monitoring the records destruction process and selecting a mechanism for destruction.
 - (2) A Certificate of Destruction must be filed in the Secretary's Office certifying that the records were destroyed in the normal course of business pursuant to the Pueblo's Record Retention and Disposition Schedule and destruction policies and procedures. See Att. B. The Certificate shall contain the following information:
 - (a) Title of each record series;
 - (b) Schedule number or numbers, as assigned
 - (c) Inclusive dates for each record series;
 - (d) Quantity of material for each record series;
 - (e) Date of destruction;
 - (f) Method of destruction; and
 - (g) Signature of a designated official
6. Destruction of Non-records

Destruction of non-records is the sole responsibility of the Departments and does not require prior approval by the Secretary's Office. Non-records are those records for which the loss of the record presents no obstacle to restoring daily business and which have no retention requirement. If the non-records contain confidential information, they must be appropriately shredded.

7. Confidential records (paper and electronic) shall only be destroyed in accordance with the Records Management Plan and other applicable regulations to ensure that

any information that is confidential or exempt from disclosure cannot practicably be read or reconstructed.

8. Record Disposition for Special Situations

a. Transfer of Unscheduled/Inactive Records

(1) Abolished or Discontinued Office.

When notified that a Pueblo Department, board, committee, or any other Pueblo entity or activity is abolished or discontinued, the Secretary's Office must ensure the orderly disposition of the Pueblo records. Official Pueblo records of an abolished or discontinued office must be protected until transferred to the Central Records Office. The Secretary's Office shall arrange for the immediate transfer of all unscheduled/inactive records to the Central Records Office, in accordance with the Records Management Plan, so that the valuable records of the Pueblo may be identified and preserved.

(2) Pueblo records maintained by Pueblo Contractors.

Records generated and maintained for operating a Pueblo program are still the property of the Pueblo even though they may be maintained by a Pueblo contractor/consultant. For this reason, Pueblo contractors/consultants are required to forward Pueblo records to the Central Records Office at the conclusion of the contract period.

9. Legal Hold

The Governor or Government Affairs Director may issue legal holds. A legal hold requires suspension of any record destruction due to the reasonable likelihood of litigation, an audit, government investigation, or similar proceeding. Generally, a legal hold specifies the type of records that should not be destroyed even if scheduled for destruction.